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Twentieth report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report, submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013), covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of my previous report, dated 10 July 2018 (S/2018/683).

2. On 23 September, in New York, my Special Representative for Iraq met the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Khalid Al Hamad Al Sabah, to discuss ongoing efforts in the search for missing Kuwaiti persons and property. My Special Representative reaffirmed the commitment of the United Nations Assistance Mission for Iraq (UNAMI) to implementing its mandate and outlined some of the current activities of the Mission, including support provided in transporting located property to Kuwait.

II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

3. During the reporting period, the Ministry of Defence of Iraq carried out excavation and exploration works at the Karbala' and Samawah sites. Human remains previously recovered from the Karbala' site and sent to the Iraqi Medico-Legal Directorate for DNA analysis and genetic profiling have proven to belong to a single person. The results were passed on to the Kuwait delegation for cross-checking and were later found not to have a corresponding match in their records. No human remains or grave-like features were found at the Samawah site. The Ministry of Defence of Iraq continued its investigation of the naval base site in Kuwait and of the Khamisiyah, Radwaniyah, Sulaymaniyah and Salman Pak sites in Iraq. The Ministry followed up with witnesses and with relevant government bodies to verify the information it had acquired in its efforts to identify exact burial locations. While there were no further developments, the sites in question will remain open as the Ministry continues to search for more information. Notably, the Ministry established contact with a new witness regarding a potential burial site in Najaf Governorate. By disseminating calls in newspapers and on satellite television, most recently on 17 July 2018, the Office of the Spokesperson of the Ministry continued to encourage witnesses who might have information on missing Kuwaiti persons and missing Kuwaiti property to come forward.

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4. On 8 July, my Deputy Special Representative for Iraq for Political Affairs and Electoral Assistance, Alice Walpole, briefed the Ambassador of Kuwait to Iraq, Salem Ghassab Mohammed al-Zamanan, on the latest efforts undertaken by UNAMI in the implementation of Security Council resolution 2107 (2013). The Ambassador emphasized the significance of the resolution of the file on missing Kuwaiti and third-country nationals and missing Kuwaiti property for the normalization of relations between the two countries. He also expressed appreciation for the efforts of the Ministry of Defence of Iraq, in particular for its expertise, information-sharing practices and proactive approach. He reiterated his support for the UNAMI proposal to undertake a survey of mass grave sites using ground-penetrating radar, which members of the tripartite mechanism are currently considering.

5. On 25 July, UNAMI attended, in its observer capacity, the 104th meeting of the Technical Subcommittee of the tripartite mechanism in Kuwait. In a positive development, the delegations of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America provided the mechanism with an update on information they had shared with the International Committee of the Red Cross (ICRC) pertaining to available maps, imagery and analysis of imagery from the 1990–1991 period — material that might help to identify and pinpoint potential burial locations. The Committee indicated that it had finally received sets of satellite imagery of the Samawah site dating back to the years 1990 to 1992. ICRC confirmed that the imagery was being analysed by its experts and that their findings would be shared at subsequent meetings. UNAMI updated the tripartite mechanism on its efforts to gain access to relevant archives of the United Nations Special Commission established pursuant to Security Council resolution 687 (1991) and the United Nations Iraq-Kuwait Observation Mission, which might contain useful information on the Salman Pak site. Having exhausted all available possibilities for identifying reliable witnesses and information, the members of the tripartite mechanism agreed to close the file on the al-Razi site in Diyala Governorate in Iraq. The members further agreed to continue joint Iraq-Kuwait-ICRC excavation and exploration works at the Samawah and Karbala' sites.

6. UNAMI set out its proposal to undertake a ground-penetrating radar pilot project to conduct mass grave site surveys in Iraq, with the help of the Global Service Centre in Brindisi, Italy. The first step would be to analyse relevant satellite imagery as a prerequisite for further action.

7. ICRC informed the members of the mechanism that the report on the ICRC review project, integrating feedback from members, was being finalized and would be shared once completed. The final document will form the basis for an action plan to be shared with delegations at the 105th meeting of the Technical Subcommittee.

III. Recent activities with regard to the return of Kuwaiti property

8. During the reporting period, no progress was made on the issue of the return of Kuwaiti property. UNAMI has been in communication with the Ministry of Foreign Affairs of Iraq and the Embassy of Kuwait in Baghdad to schedule an official handover of the first package of Kuwaiti property that has been located. The Ministry of Foreign Affairs of Iraq expressed its readiness to submit the Kuwaiti property to UNAMI for safekeeping until the date of the transfer is set by the parties. UNAMI has already undertaken the necessary logistical preparations, should both sides reach an agreement. According to officials from the Ministry, the property comprises a sword, videotapes and approximately 3,000 books. The Ministry also continued its efforts to collect and itemize the remainder of located Kuwaiti property. UNAMI has proposed dates for a working-level meeting between the Ministry of Foreign Affairs

of Iraq, the Embassy of Kuwait in Baghdad and UNAMI to discuss the necessary arrangements.

9. On 8 July, during the meeting with my Deputy Special Representative, Mr. Al-Zamanan welcomed the readiness of UNAMI to provide air transport for items of property that had been uncovered by Iraq and to facilitate and observe the official handover.

IV. Observations

10. As in previous reports, I would like to emphasize the critically important role that the closure of the file on missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, plays in normalizing relations between the two countries.

11. Although tangible results have yet to be achieved in the search for missing persons, some progress has been made through the efforts of the Ministry of Defence of Iraq. I commend the Government of Iraq on its determination to continue to pursue the matter, including by carrying out excavation and exploration missions, identifying new witnesses and collecting information to complement the search, and I am confident that its resolve to bring this humanitarian file to closure will bear results. I would also like to thank the Government of Kuwait for its continued positive and constructive engagement on a matter of great sensitivity and national importance.

12. A number of positive developments have demonstrated the commitment of all members of the tripartite mechanism to persevere, notwithstanding the challenges and the accumulated frustration from the lack of results. Discussions during the most recent meeting of the Technical Subcommittee were informative and constructive. The acquisition of new imagery and mapping material provided by the individual members of the tripartite mechanism is another promising step in obtaining much-needed information. I would like to thank the members of the mechanism in this regard and encourage them to provide continuing support. Nevertheless, the procurement of field equipment and the provision of forensic, DNA, and anthropological training and capacity-building for Iraqi and Kuwaiti technical teams remain major challenges and are integral to progress on the file. The support of the international community in those areas is thus paramount.

13. ICRC remains a valuable actor in this process, and I thank them for supporting and guiding these efforts. I am confident that the new action plan, which will be developed on the basis of the findings of the ICRC review project, has the potential to reinvigorate the process. I hope that the efforts of UNAMI to provide additional information and to support the mechanism by implementing a ground-penetrating radar pilot project will contribute substantively to this important humanitarian effort.

14. While I welcome the ongoing discussions between the Ministries of Foreign Affairs of Iraq and Kuwait on setting a date for the official handover of already located Kuwaiti property, I urge both sides to move the process forward expeditiously, as it has been pending for over a year. UNAMI remains ready to facilitate the transfer of identified property and observe the official handover. I also urge the Ministry of Foreign Affairs of Iraq to make further efforts in its search for the missing national archives of Kuwait and to explore new avenues to advance the process, including through a public outreach campaign.

15. My Special Representative, Deputy Special Representative and the staff of UNAMI remain proactive and fully committed to promoting and facilitating efforts in support of this important mandate.